

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE FOR THE SIXTH
JUDICIAL DISTRICT AT KNOXVILLE

STATE OF TENNESSEE,
Plaintiff,

v.

TERRY W. NOEL

Defendant.

**ORDER AND FINDINGS REGARDING
COMPLIANCE HEARING**

On September 9, 1996 at 3:30 p.m., the Defendant and his attorney, George H. Waters, appeared in open Court as required by this Court's previous ruling of September 6, 1996. The State was also present and represented by Deputy Attorney General Cynthia E. Carter and Assistant Attorney General Jennifer L. Rawls. Additionally, Mr. Howard G. Hogan, the court appointed receiver of the legal files of Defendant's former clients was also present at the compliance hearing.

Based upon the arguments of counsel, the accounting filed by the Defendant, the list filed by the Defendant indicating the names and addresses of the persons to whom he has forwarded the required notices, and the record herein, this Court finds that Defendant has apparently complied with this Court's Orders dated July 31, 1996 and September 6, 1996 *nuc pro tunc*. However, this Court also finds that Mr. Hogan and the State have not had sufficient time and opportunity to investigate or verify whether the Defendant is, in fact in full and complete compliance with the September 6, 1996 Order and the Agreed Order Granting Temporary Injunction dated July 31, 1996.

IT IS ORDERED, ADJUDGED, AND DECREED that this matter shall be set for trial on a certain date approximately seven months from September 9, 1996 and agreeable with the parties and the Court's

calendar. The parties shall commence appropriate discovery and prepare the matter for trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the trial date selected by the Court, the Court shall also hold a Show Cause hearing to address the imposition of sanctions, penalties and other remedies as it relates to the Defendant's violations of this Court's Order dated July 31, 1996.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that either the State or Howard G. Hogan may notify the Court at any time if they obtain information indicating that the Defendant is not in full compliance with this Court's orders dated July 31, 1996 and September 6, 1996 nunc pro tunc. Upon receipt of such notification, or by Motion, this Court shall set a new hearing to Show Cause and for the imposition of penalties, sanctions and remedies as expeditiously as warranted by the new information but, at a minimum, prior to the trial of this matter.